

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director/(954) 797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Quasi Judicial Hearing, Vacation Application: VA 9-1-07/07-140/Davie Professional Plaza/5355 SW 76 Avenue.

AFFECTED DISTRICT: District 2

ITEM REQUEST: Petitioner Requesting a Tabling/Withdrawal

TITLE OF AGENDA ITEM: VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 9-1-07 "DAVIE PROFESSIONAL PLAZA" VACATING A PORTION OF RIGHT-OF-WAY (O.R.B. 7652, PG 91 AND 92, B.C.R.) LYING IN THE EAST 1/2 OF THE NORTH 1/2 OF TRACT 36, SECTION 33-50-41, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 9-1-07, Davie Professional Plaza, 5355 SW 76 Avenue)

REPORT IN BRIEF: The purpose of this application is to vacate a 12.5 foot right-of-way lying along the southern boundary line. This vacation was the result of an approved site plan application (SP 12-4-05, Lorson Professional Campus) by Town Council on January 17, 2007. One of the conditions of approval was that this existing right-of-way be vacated. The proposed access to the development is from Northwest 76th Avenue and extends along the northern boundary line. The properties to the west and east do not connect to Northwest 76th Avenue. Therefore, the proposed vacation is consistent with the neighboring properties.

PREVIOUS ACTIONS: n/a

CONCURRENCES: At the April 9, 2008 Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Vice-Chair Stevens, to table to the next meeting in May which was tentatively scheduled for May 14th. In a voice vote, with Mr. Pignato being absent, all voted in favor. **(Motion carried 4-0)**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Withdrawal letter, Ordinance, Planning Report



DENI LAND SURVEYORS, INC.

1991 NW 35TH AVE. • COCONUT CREEK, FL 33066 • PHONE (954) 973-7966
EMAIL: mikki1@bellsouth.net FAX (954) 979-0343

May 14, 2008

Ms. Lise Bazinet
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Vacation of easement, LORSON PLAT

Dear Lise,

Please accept this request to withdraw the application for vacation easement for the above referenced property.

Thank you for your assistance in this matter.

Yours truly,

Mikki H. Ulrich

LAND DEVELOPMENT

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PLATS

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SITA DATA RECORDS

ORDINANCE _____

ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 9-1-07 "DAVIE PROFESSIONAL PLAZA" VACATING A PORTION OF RIGHT-OF-WAY (O.R.B. 7652, PG 91 AND 92, B.C.R.) LYING IN THE EAST 1/2 OF THE NORTH 1/2 OF TRACT 36, SECTION 33-50-41, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 6 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the petitioner proposes to vacate a 12.5 foot right-of-way lying along the southern boundary line (Per O.R.B. 7662, Pg 91 and 92, BCR)

WHEREAS, the proposed Vacation Application for the "Davie Professional Plaza" was considered by the Town of Davie Planning and Zoning Board on April 9, 2008;

WHEREAS, vacation of this right-of-way will not adversely affect access to adjoining properties and will not be in conflict with the public interest; and,

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance; and,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the right-of-way herein after described be vacated:

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2008.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2008.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

Surrounding Land

	<u>Surrounding Uses:</u>	<u>Designations:</u>	<u>Use</u>	<u>Plan</u>	<u>Map</u>
North:	Nursery		Commerce/Office		
South:	Self-storage facility		Commerce/Office		
East:	Single-family residential		Residential		
West:	Vacant		Commerce/Office		

	<u>Surrounding Zoning:</u>
North:	CC, Commerce Center District
South:	CC, Commerce Center District and UC, Urban Commercial District
East:	A1, Agricultural District
West:	B-2, Community Business District

Zoning History

Related zoning history:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous requests on same property:

Site Plan Application SP 12-4-05 (Lorson Professional Campus), this application was for a new three-story office building and was approved by Town Council on January 17, 2007.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-24 (J)(3)), the CC, Commerce Center District is intended to implement the commerce/office designation of the Town of Davie Comprehensive Plan by providing for development of office, research, business and light industrial complexes at suitable locations throughout the town. A commerce center development may serve as a major source of employment and will complement the appearance and welfare of the town. This district contains regulations designed to promote flexibility in planning and design.

Land Development Code (Section 12-310), review for vacations or abandonment's of Right-of-Way.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road.

Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two motor home parks totaling approximately 30 acres in area and an 8-acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. The community facilities include, but are not limited to, a regional library, places of worship, a Girl Scout campground facility, and a private school.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner proposes to vacate an existing 12.5 foot road easement lying along the southern property line in accordance with the approved Site Plan Application (SP 12-4-05, Lorson Professional Campus). At the time of site plan application, this road was not contemplated due to an oversight by the petitioner. The access to the development is from NW 76th Avenue and extends along the northern boundary line of the proposed "Lorson Professional Campus." The properties to the west and east do not connect to NW 76th Avenue. Therefore, the proposed vacation is consistent with the neighboring properties.

Staff Analysis

The following information is staff's analysis based on the criteria established in the Town of Davie's, Land Development Code, Section 12-310(A)(1) for vacation applications. The Planning and Zoning Board shall make a recommendation upon the application to the Town Council based upon its consideration of, where applicable, whether or not:

- (a) It will adversely affect access to neighboring properties.

This vacation of the right-of-way will not adversely impact access to the neighboring properties. The properties to the south and west have direct access from University Drive. The Lorson Plat and approved site plan for the Lorson Professional Campus has access from NW 76th Avenue.

- (b) It will be in conflict with the public interest.

This vacation of the right-of-way will not be in conflict with the public interest. The public will be able to access this parcel through the proposed development of “Lorson Professional Campus” with access from NW 76th Avenue.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the April 9, 2008 Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Vice-Chair Stevens, to table to the next meeting in May which was tentatively scheduled for May 14th. In a voice vote, with Mr. Pignato being absent, all voted in favor. **(Motion carried 4-0)**

Town Council Action

Exhibits

1. Justification Letter
 2. Description of Public Right-of-Way to be vacated
 3. 1,000' Mail-out Radius Map
 4. Property Owners within 1,000' of the Subject Site
 5. Future Land Use Plan Map
 6. Aerial, Zoning, and Subject Site Map
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Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\VA_Vacation\VA_06\VA 9-1-07 Davie Professional Plaza

Exhibit 1 (*Justification Letter*)



DENI LAND SURVEYORS, INC.

1991 NW 35TH AVE. • COCONUT CREEK, FL 33066 • PHONE (954) 973-7966
EMAIL: mikki1@bellsouth.net FAX (954) 979-0343

September 3, 2007

Ms. Lise Bazinet
Town of Davie
6591 Orange Drive
Davie, FL 33314

Re: Justification letter for vacation of easement request for LORSON PLAT

Dear Lise,

This shall serve as a Justification Letter for the above referenced project.

The owners of the property, Davie Professional Plaza, LLC, hereby requests to vacate the 12.5' Roadway Easement recorded in Official Records Book 7662, Page 91 and 92 and hereby states the following:

- (a) The proposed vacation is not contrary to the adopted comprehensive plan, as amended, or any element of portion thereof. The Lane Use for the property is Commerce Office;
- (b) The easement is no longer necessary for access to the property to the West. The property to the West has access from University Drive. The Lorson Plat has access from NW 76th Avenue.
- (c) The proposed vacation will not adversely affect other property values;
- (d) The proposed vacation will not be a deterrent to the improvement or development of other property in accord with existing regulations;
- (e) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Your assistance in this matter would be greatly appreciated. Should you have any questions, please don't hesitate to call.

Yours truly,

Mikki H. Ulrich, P.S.M.

Exhibit 2 (*Description of Public Right-of-Way to be Vacated*)

SKETCH & DESCRIPTION OF ROAD EASEMENT TO BE VACATED

Parcel 'A'
THE MILLER PLAT
(PB 155, PG 35, BCR)

Parcel 'A'
THE MILLER PLAT
(PB 155, PG 35, BCR)

N87°27'58"E 635.03'

Parcel 'A'
THE MILLER PLAT
(PB 155, PG 35, BCR)

N01°54'02"W 165.00'

12% ROAD EASEMENT
(PB 766, PG 47 & 48, BCR)

S87°28'58"W 635.03'

Parcel 'A'
LORSON PLAT
(unrecorded)

Parcel 'A'
LORSON PLAT
(unrecorded)

LEGEND:
BCR - Broward County Records
M - Metes & Bounds
Pg - Page
DOB - Official Records Book

DESCRIPTION:
The south twelve and one-half feet (12 1/2') of the North one-half (N 1/2) of Tract 36 of THE EVERGLADES SUGAR AND LAND CO. SUBDIVISION OF SECTION 13, TOWNSHIP 50 SOUTH, RANGE 41 EAST, DADE COUNTY, FLORIDA, according to the Plat thereof, recorded in Plat Book 3, Page 6 of the Public Records of Dade County, Florida, said lands situate and being in Broward County, Florida, less the West 340' of such described property.

MIKE H. LARSON PROFESSIONAL SURVEYOR & MAPPER NO. 5053 STATE OF FLORIDA

Mike H. Larson

THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

9/13/07

FOR: Davie Professional Plaza
NO.: 0708025
DATE: 8/17/07
FILENAME: LORSON
SCALE: 1" = 60'



DENI LAND SURVEYORS, INC.

1991 N.W. 35th AVENUE, COCONUT CREEK, FL 33065 (954) 973-7966 FAX (954) 979-0343

LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS

Exhibit 3 (1,000' Mailout Radius Map)

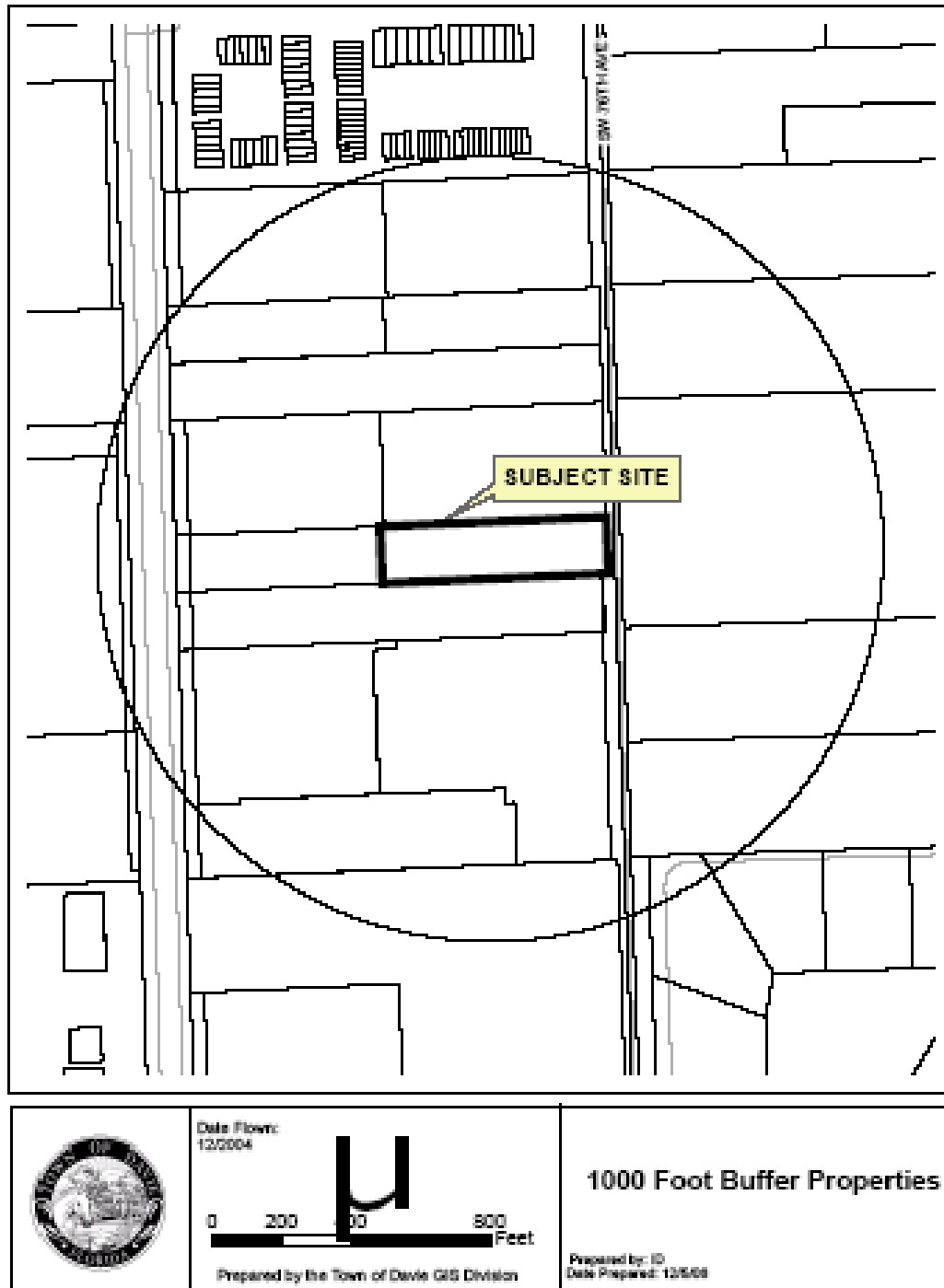


Exhibit 4 (*Property Owners within 1,000' of the Subject Site*)

VA 9-1-08
BULLOCK,STEVE
PO BOX 172934
MIAMI FL 33017

VA 9-1-08
CENTRAL BROWARD WATER
CONTROL DISTRICT
8020 STIRLING RD
DAVIE FL 33024-8202

VA 9-1-08
DAVIE ACRES LLC
1895 NE 214 TER
NORTH MIAMI BEACH FL 33179

VA 9-1-08
DAVIE PROFESSIONAL PLAZA LLC
1820 N CORPORATE LAKES #207
WESTON FL 33327

VA 9-1-08
EVEREST STORAGE II LLC
% PROPERTY TAX DEPT 118
PO BOX 4900
SCOTTSDALE AZ 85261-4900

VA 9-1-08
FLA POWER & LIGHT CO
ATTN:CORPORATE TAX (CTX)
PO BOX 14000
JUNO BEACH FL 33408-0420

VA 9-1-08
G&A REAL ESTATE OF DAVIE INC
5455 SOUTH UNIVERSITY DR
DAVIE FL 33328

VA 9-1-08
JP SCHUMACKER HOLDINGS OF FL
LLC
1389 NW 136 AVE
SUNRISE FL 33323

VA 9-1-08
LAUDERDALE,JOHN A &
LAUDERDALE,VIRGINIA
5306 SW 76 AVE
DAVIE FL 33328-5404

VA 9-1-08
LAUDERDALE,VIRGINIA M REV TR
5306 SW 76 AVE
DAVIE FL 33328

VA 9-1-08
LEWIS,CHARLES
5201 SW 76 AVE
DAVIE FL 33328-5401

VA 9-1-08
MATRIX UNIVERSITY LLC
% DANIEL J SERBER ESQ
1424 COLLINS AVE
MIAMI BCH FL 33139

VA 9-1-08
QUALITY ESTATE HOMES LLC
6790 NW 83 TER
PARKLAND FL 33067

VA 9-1-08
REGENCY COMMONS OF BROWARD INC
PO BOX 661169
MIAMI SPRINGS FL 33266

VA 9-1-08
SADDLE UP TOWNHOMES ASSN INC
% BEDZOW KORN KAN & GLASER PA
11077 BISCAYNE BLVD PH SUITE
MIAMI FL 33161

VA 9-1-08
SCHUMACKER RECREATION CO LLC
1389 NW 136 AVE
SUNRISE FL 33323

VA 9-1-08
SEIDLE,W D & SEIDLE,BETTY &
SEIDLE,R K & SEIDLE,M A
2900 NW 36 ST
MIAMI FL 33142-5156

VA 9-1-08
STORAGE TRUST PROPERTIES LP
PO BOX 25025 DEPT-PT-FL 28092
GLENDALE CA 91201-5025

VA 9-1-08
STROMBERG,GUNNAR & ANNIKA TRSTE
GUNNAR & ANNIKA STROMBERG TR
10064 NW 4 ST
DAVIE FL 33324-7051

VA 9-1-08
TRANSAMERICAN LAND CORP
ATTN: DAVID A LIGHT CPA
2121 PONCE DE LEON BLVD STE 1250
CORAL GABLES FL 33134

VA 9-1-08
UNIVERSITY PARK PROPERTIES LP
31515 ROBERTA DR
BAY VILLAGE OH 44140-1575

VA 9-1-08
WOLF IN THE WOODS INC
5975 S UNIVERSITY DR
DAVIE FL 33328

VA 9-1-08
AMA LLC
5200 S UNIVERSITY DR 101A
DAVIE FL 33329

VA 9-1-08
DOCTA LLC
5200 S UNIVERSITY DR 102A
DAVIE FL 33330

VA 9-1-08
DYNASTY GREAT ESTATES INC
5200 S UNIVERSITY DR 103A
DAVIE FL 33331

VA 9-1-08
THE PEOPLES MORTGAGEFUNDING INC
5200 S UNIVERSITY DR 104A
DAVIE FL 33332

VA 9-1-08
ORTHOSPORT PROPERTIES LLC
5200 S UNIVERSITY DR 105A
DAVIE FL 33333

VA 9-1-08
J & E REALTY GROUP
5210 S UNIVERSITY DR 101B
DAVIE FL 33334

VA 9-1-08
FOURJS GROUP LLC
5100 S UNIVERSITY DR 102B
DAVIE FL 33335

VA 9-1-08
THE FOURJS GROUP LLC
5210 S UNIVERSITY DR 106B
DAVIE FL 33336

VA 9-1-08
ROMAINE N BROWN LAW OFFICES P A
5220 S UNIVERSITY DR 101C
DAVIE FL 33337

VA 9-1-08
SILVA'S ENTERPRISE INC
5220 S UNIVERSITY DR 102C
DAVIE FL 33338

VA 9-1-08
GLOBE TRANSWORLD IMPORT
&EXPORT INC
5220 S UNIVERSITY DR 104C
DAVIE FL 33339

VA 9-1-08
SIMON,JUAN A
5220 S UNIVERSITY DR 105C
DAVIE FL 33340

VA 9-1-08
ALLEGiant TITLE SERVICES INC
5220 S UNIVERSITY DR 106C
DAVIE FL 33341

VA 9-1-08
SILVA,LUIS F
5220 S UNIVERSITY DR 107C
DAVIE FL 33342

VA 9-1-08
MAJESTIC MTGE CREDIT INC
5220 S UNIVERSITY DR 108C
DAVIE FL 33343

VA 9-1-08
CAMACHO,MONICA REV LIV TR
&ROER,
MELBA S CARDOZO REV LIV TR
5220 S UNIVERSITY DR 109C
DAVIE FL 33344

VA 9-1-08
SPARTACUS GROUP INC
5220 S UNIVERSITY DR 110C
DAVIE FL 33345

VA 9-1-08
RLG LLC
5220 S UNIVERSITY DR 201C
DAVIE FL 33346

VA 9-1-08
HARRISON,DARRAM L
5220 S UNIVERSITY DR 202C
DAVIE FL 33347

VA 9-1-08
CMI INTERNATIONAL INC
5220 S UNIVERSITY DR 203C
DAVIE FL 33348

VA 9-1-08
AMICAL ENTERPRISES INC
5220 S UNIVERSITY DR 204C
DAVIE FL 33349

VA 9-1-08
DIANA SANTA MARIA PA
5220 S UNIVERSITY DR 205C
DAVIE FL 33350

VA 9-1-08
HOME MERCHANT REALTY
5220 S UNIVERSITY DR 207C
DAVIE FL 33351

VA 9-1-08
TAZAZ,TEWODROS
5220 S UNIVERSITY DR 209C
DAVIE FL 33352

VA 9-1-08
WARLEN,NEESA
5220 S UNIVERSITY DR 211C
DAVIE FL 33353

VA 9-1-08
FBJ HOLDINGS INC
5230 S UNIVERSITY DR 101D
DAVIE FL 33354

VA 9-1-08
Z & A ENTERPRISES INC
5230 S UNIVERSITY DR 106D
DAVIE FL 33355

VA 9-1-08
GHS UNIVERSITY PLACE LLC
5240 S UNIVERSITY DR 101E
DAVIE FL 33356

VA 9-1-08
DIBELLA,JOANN N
5240 S UNIVERSITY DR 102E
DAVIE FL 33357

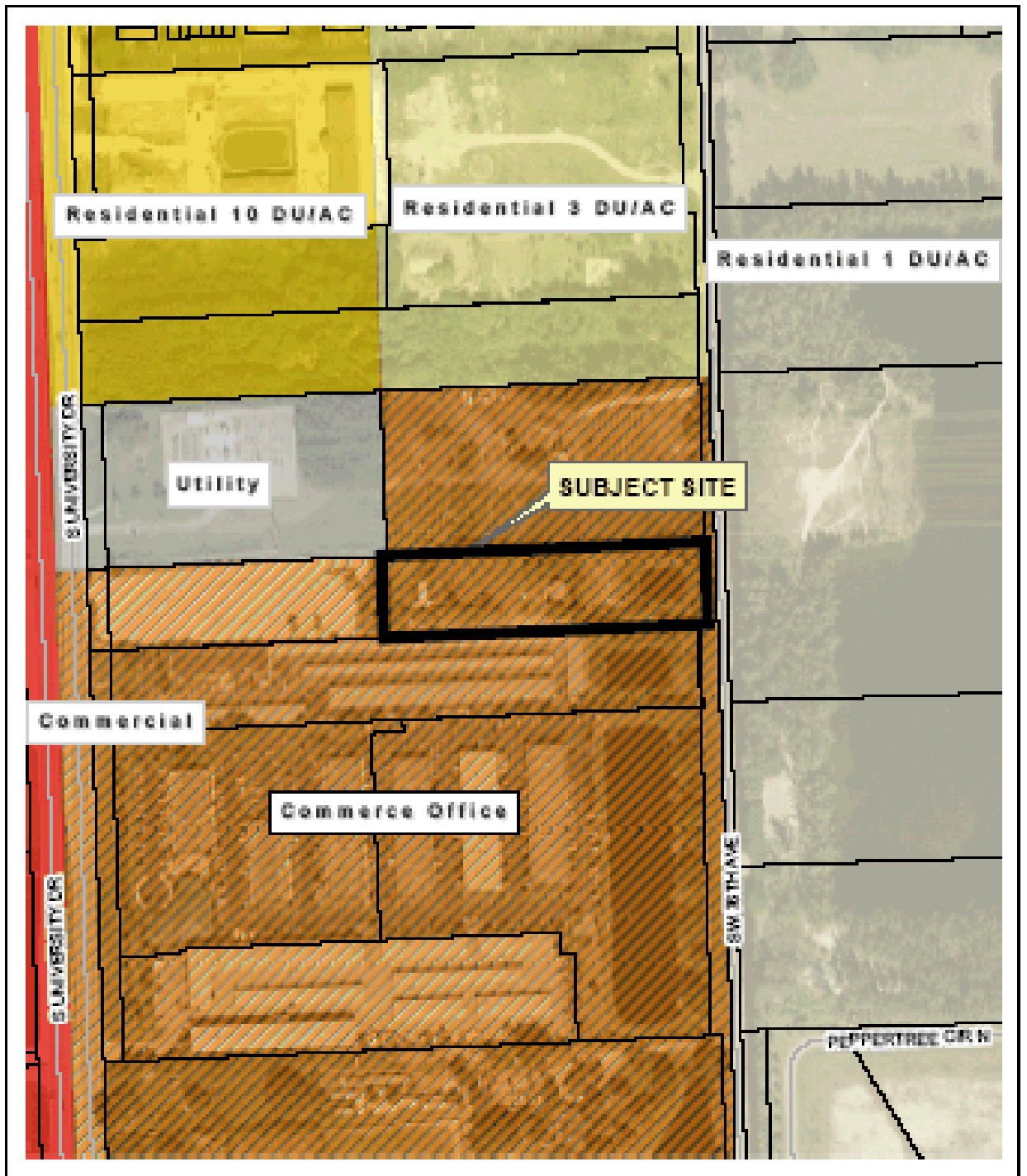
VA 9-1-08
ISMO LLC
5240 S UNIVERSITY DR 103E
DAVIE FL 33358

VA 9-1-08
DAGFAY JOINT VENTURES LLC
5240 S UNIVERSITY DR 104E
DAVIE FL 33359

VA 9-1-08
BENJAMIN,CAROLYN
&BENJAMIN,HARRY
5240 S UNIVERSITY DR 105E
DAVIE FL 33360

VA 9-1-08
CAPITAL MGMT RESOURCE CORP
5240 S UNIVERSITY DR 106E
DAVIE FL 33361

Exhibit 5 (*Future Land Use Map*)



Date Plotted:
12/2004

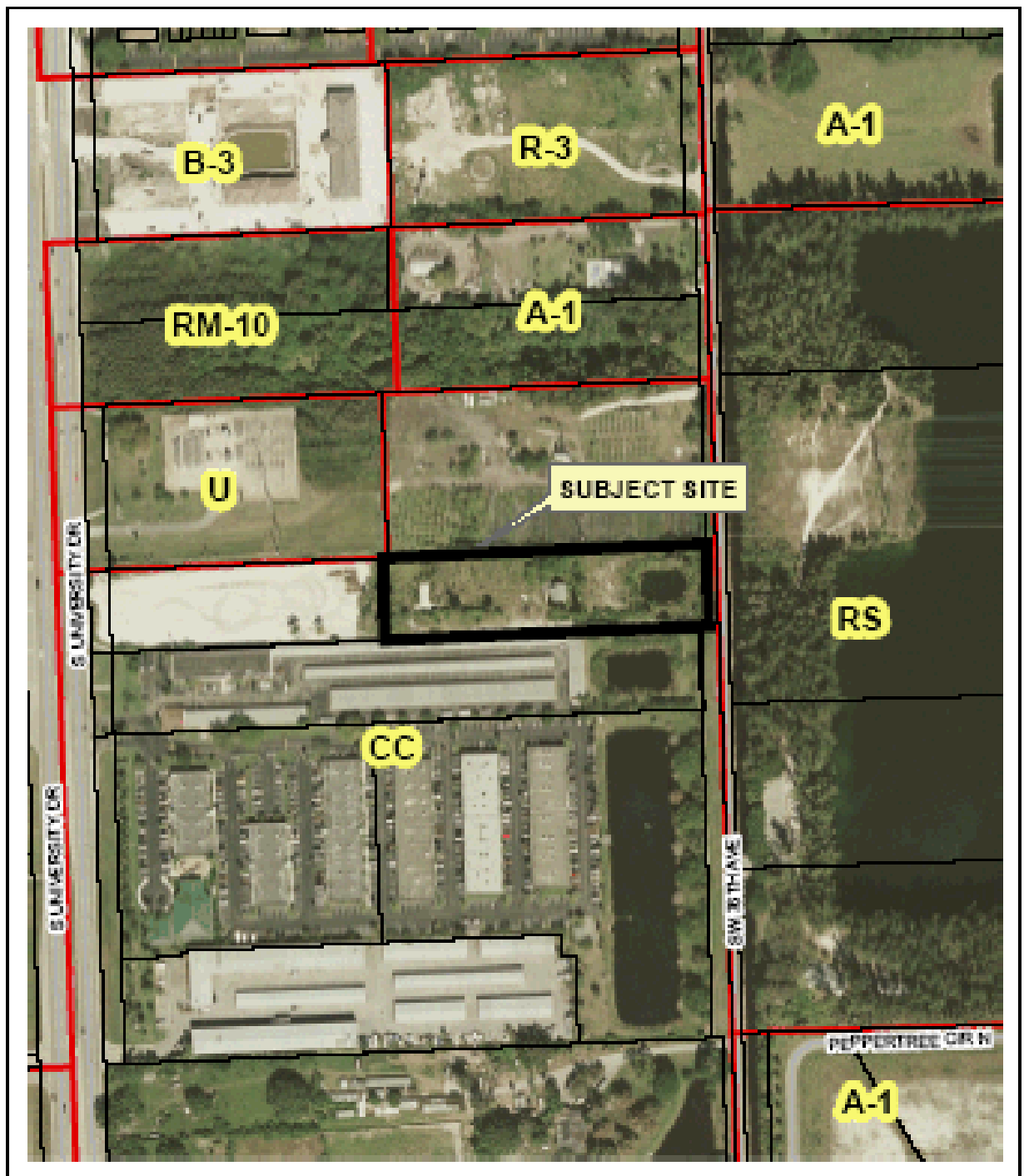


Prepared by the Town of Davis GIS Division

Future Land Use Map

Prepared by: ID
Date Prepared: 12/4/08

Exhibit 6 (*Aerial, Zoning, and Subject Site Map*)



Date Flown:
12/2004



Prepared by the Town of Davis GIS Division

Zoning and Aerial Map

Prepared by: ID
Date Prepared: 12/4/08

